



PAC \$

PATENT
Attorney Docket No. 02376.0006-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Gondouin

U.S. Patent No. RE38,616

Issued: October 12, 2004

For: DOWNHOLE EQUIPMENT,
TOOLS AND ASSEMBLY
PROCEDURES FOR THE
DRILLING, TIE-IN AND
COMPLETION OF VERTICAL
CASED OIL WELLS
CONNECTED TO LINER-
EQUIPPED MULTIPLE
DRAINHOLES

Application No.: 09/944,115

Filed: September 4, 2004

RECEIVED

JAN 06 2007

OFFICE OF PETITIONS

12/21/2006 HMARZI1 00000001 RE38616
01 FC:1463

200.00 OP

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIEW OF DECISION REFUSING
TO ACCEPT AND RECORD PAYMENT OF A MAINTENANCE
FEE FILED PRIOR TO EXPIRATION OF PATENT UNDER 37 CFR § 1.377**

The USPTO PAIR website lists the above-identified reissue patent as expired for failure to pay the 8th year maintenance fee due on October 31, 2003. The 8th year maintenance fee, however, was paid and accepted by the USPTO on the immediate parent reissue patent.

The application that issued as the above-identified reissue patent was filed as a continuation application from U.S. Appln. 08/861,457 (which issued as RE37,867 on

Adjustment date: 01/16/2007 CKHLOK
12/21/2006 HMARZI1 00000001 RE38616
01 FC:1463 -200.00 OP
Ref: 01/16/2007 CKHLOK 0000155495

CHECK Refund Total: \$200.00

October 8, 2002). The '457 application was itself filed as a reissue application from U.S. Patent 5,462,120. The '120 patent issued on October 31, 1995, and therefore, the three maintenance fee due dates for the '120 patent and any reissue are April 31, 1999, April 31, 2003, and April 31, 2007. The first maintenance fee was paid for the '120 patent on April 16, 1999, and Applicant encloses the maintenance fee statement showing payment. Prior to the due date for the second maintenance fee, the '457 application granted as the '867 reissue patent. The second maintenance fee was paid on June 6, 2003 with surcharge for the '867 reissue patent since the '120 patent was surrendered prior to issuance of the '867 reissue patent. Applicant also encloses the maintenance fee statement showing payment of this fee, as well. Only after the second maintenance fee was paid did the above-referenced reissue patent issue.

It appears that in assessing the above-referenced reissue patent, the USPTO only reviewed the file history of the '120 patent and not the '867 reissue patent for payment of the second maintenance fee. The USPTO PAIR page indicates that this reissue patent is expired for failure to pay the second maintenance fee. As only one issued patent was in force as of the due date for the second maintenance fee, only one fee was due, and that fee was paid for the '867 reissue patent.

Therefore, Applicants requests that the USPTO correct the PAIR designation and provide written confirmation that this reissue patent is in good standing.

The Applicant first became aware of this discrepancy on October 30, 2006, and have filed this request within two months of the action complained of.

Applicant hereby petitions for revival of this application. The petition fee of \$200.00 is enclosed. Applicant requests a refund of this petition fee, as Applicant believes this is the result of a USPTO error.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2006

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796

96-31380

Filed

06-21 19 96

19

General Order of Court

~~1996~~

3

NATURAL RESERVES GROUP INC

PLAINTIFFS

BAYKO, TOM

Attorneys

NATURE OF ACTION
BREACH OF CONTRACT

VS.

BAKER HUGHES INCORPORATED

DEFENDANTS

Attorneys

SURETIES ON COST BOND

Jury Fee Paid By

SETTINGS

11/21/96 8-25-97

12-27-97

1-10-21-98

AUG 16 1996 Case transferred to Administrative Judge Civil

AUG 23 1996 Status conference

motion for protection against to interest produce intellectual property

error. Plaintiff's summary judgment on Plaintiff's motion for summary judgment

AUG 30 1996 Order re Ford, Plaintiff 9/4/96 Plaintiff's motion re Plaintiff's

data. Defendant's motion for summary judgment on Plaintiff's motion for summary judgment

SEP 23 1996

10-11-96 re complaint

OCT 17 1996 SCU 2/10/97

1/17/97 re Plaintiff's motion for summary judgment

1/21/97 re Plaintiff's motion for summary judgment

1/21/97 re Plaintiff's motion for summary judgment

JAN 24 1997

FEB 27 1997 No. 96-31380

General Order of Court

333-1d

Judicial Dis

JUN 16 1997 Application for letters rogatory 8/20/97

JUL 22 1997 Motion to strike denied 8/20/97

AUG 07 1997 Mediation report (only extend time) 8/20/97

AUG 07 1997 Motion to substitute attorney 8/21/97

AUG 11 1997 Attorney Motion to withdraw 8/21/97

~~Order granting hearing 8/21/97~~

9/15/97 Motions compel: "Roto" Discovery Under advisement: Drilled down
Came in all sides. This issue to be ruled on by agreement 9/15/97

SEP - 1997 Motion for Continuance

1/98 Oral hearing on Motion to Summary Judgment

3/30/98 Supplemental Aired Protective Order 3/30/98

APR 07 1998 Order on Motion to Compel 5/20/98

APR 23 1998 Mediation Report (McGowan) 8/20/98

JUN 24 1998 Order granting letters rogatory

7/24/98 Motion, Wash. Dep to be taken on 8/15/98. UNL may proceed 1st. QW

SIGNED